

File #:

62-10-116395

Serial Scope:

EBF 752x

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

The Attorney General

September 23, 1965

JUNE

Director, FBI

- 1 - Mr. Belmont
- 1 - Miss Holmes
- 1 - Mr. Sullivan
- 1 - Mr. Cotter
- 1 - Mr. Mossburg

PAKISTANI MISSION TO
THE UNITED NATIONS
INTERNAL SECURITY - PAKISTAN (S)

10/19/00
CLASSIFIED BY SP7AM/ely
DECLASSIFY ON: 25X 1
MDR-16

On September 21, 1965, an informant who has furnished reliable information in the past advised that the Pakistani Mission to the United Nations had contacted the Soviet Mission to the United Nations and requested a meeting between the Pakistani Foreign Minister and Andrei Gromyko, Soviet Foreign Minister. It was indicated that the Foreign Minister of Pakistan would be arriving in the United States on the evening of September 21, 1965, and the meeting was requested for 10 p.m. that date. This information was immediately furnished to the Department of State. (S)

At 8 p.m. on September 21, 1965, Mr. Tom Hughes, Director, Bureau of Intelligence and Research, Department of State, contacted a representative of this Bureau and referred to the earlier information regarding the proposed meeting between the Pakistani and Soviet Foreign Ministers. Mr. Hughes stated that following this meeting between the Foreign Ministers, in all probability, the Pakistani Foreign Minister would attempt to confer with the President of Pakistan by radio telephone. Mr. Hughes said that the Department of State believed that the results of this conversation between the Pakistani Foreign Minister and the President of Pakistan would be of vital importance to the U. S. Department of State in connection with its future planning of action relative to the Pakistan-India dispute, and to the United Nations cease-fire order which had a deadline of 3 a.m. September 22, 1965. Inasmuch as this Bureau does not have technical coverage of the Pakistani Mission to the United Nations, we were unable to supply the Department of State with the vital information requested. (S)

At 10:25 a.m., September 22, 1965, we received information from the above informant that the Foreign Minister of

AJD/mea (9)

SECRET

see note, pg 2

GROUP 1
Excluded from automatic
downgrading and
declassification

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

MAILED 2

SEP 23 1965

COMM-FBI

- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

SECRET

The Attorney General

Pakistan would meet with Andrei Gromyko at the Soviet Mission to the United Nations, 3 p.m., September 22, 1965. This information was immediately furnished to the Department of State; however, our lack of technical coverage on the Pakistani Mission to the United Nations again precluded our obtaining results of the probable telephonic contact, following this meeting, between the Foreign Minister of Pakistan and the President of Pakistan. (S)

The curtailment of our technical and microphone surveillance coverage has severely restricted us in supplying valuable data to interested Government agencies, relative to the national defense.

1 - The Deputy Attorney General

NOTE:

Classified "Secret" inasmuch as refers to [technical surveillance coverage of foreign diplomatic establishment,] (S) the unauthorized disclosure of which would cause serious damage to the national defense.

SECRET

SECRET

UNITED STATES GOVERNMENT

Memorandum ROUTE IN ENVELOPE

Tolson	
Belmont	
Mohr	
Casper	
Callahan	
Conrad	
DeLoach	
Evans	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : Mr. A. H. BELMONT

DATE: September 25, 1964

FROM : MR. W. C. SULLIVAN

J U N E

- 1 - Mr. Belmont
- 1 - Mr. Conrad
- 1 - Mr. Evans
- 1 - Mr. Rosen
- 1 - Mr. W. C. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Deegan
- 1 - Mr. Engelstad
- 1 - Mr. Fipp
- 1 - Mr. J. D. Donohue

SUBJECT: CONFIDENTIAL INFORMANT AND SIMILAR TYPES OF COVERAGE

CLASSIFIED BY SP2AM/ely
DECLASSIFY ON: 25X 1

This is a monthly memorandum setting forth the total number of the Bureau's confidential informants, mail covers and the coverage we are maintaining for other Government agencies as set forth in the attached pages.

Technical surveillances are only utilized when necessary and are discontinued when they are no longer productive. Their number varies and as of this date we are operating 64 investigative-type (security) technical surveillances in Bureau cases. We are operating one investigative-type technical surveillance in connection with the slaying of the three civil rights workers in Mississippi. We are operating 76 intelligence-type (security) technical surveillances restricted to coverage of foreign country, diplomatic and official establishments, which are in addition to those we are operating in Bureau cases.

In addition, at the specific request of National Security Agency, we are maintaining coverage of teletype facilities of 43 diplomatic establishments and at the request of the White House, we are covering the teletype facilities of Tass News Agency in New York.

One hundred and five microphone surveillances are presently installed of which 45 are concerned with security investigations and 60 are installed in criminal matters.

During August, 1964, 16 security informants were added and 16 were deleted, making a total of 1,095 security informants. Potential security informants during the same period increased from 367 to 369.

During August, 1964, 158 criminal informants were added while 109 criminal informants were deleted. This changes the number of approved criminal informants from 3,290 to 3,339. Also, during August, 1964, the number of potential criminal informants changed

Enc.

JDD:k1b
(11)

ENCLOSURE

OCT 26 1964

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

SECRET

OCT 22 1964

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

To: Mr. Sullivan & Belmont (Encl. As per 9/23/64)
To act 10/1/64
9/29/64

SECRET

MEMORANDUM TO MR. A. H. BELMONT
RE: CONFIDENTIAL INFORMANT AND
SIMILAR TYPES OF COVERAGE

from 8,130 to 8,169.

During August, 1964, four racial informants were added and eight were deleted, leaving a total of 118 racial informants. The number of probationary racial informants is 76.

As of September 25, 1964, the Bureau has in operation a total of 79 mail covers. Of this number, three are maintained in criminal fugitive cases and none in criminal cases other than fugitive. The criminal mail covers are handled by Special Investigative Division. There are 76 mail covers in security cases.

ACTION:

This is for your information.

I suggest that all mail covers be discontinued

AK
AS

WMB
WMB

Q

I agree. Also I want no wire taps placed in cases which may thereby become "tainted" for prosecution.

A

SECRET

OFFICE	INV.		INT.		SMC	FMC	OMC	SI	PSI	CI	PCI	RAC	RAC PROB
	TS	MS	TS	TEL									
ALBANY	0	0	0	0	0	0	0	10	2	37	73	0	0
ALBUQUERQUE	0	0	0	0	0	1	0	6	0	59	105	0	0
ANCHORAGE	0	0	0	0	0	0	0	0	0	22	38	0	0
ATLANTA	2	0	0	0	0	0	0	3	1	55	149	11	16
BALTIMORE	0	2	0	0	1	0	0	20	1	71	141	0	0
BIRMINGHAM	0	0	0	0	0	0	0	0	0	32	60	10	3
BOSTON	0	3	0	0	3	0	0	15	1	54	162	0	0
BUFFALO	0	6	0	0	2	0	0	14	3	51	115	0	0
BUTTE	0	0	0	0	0	0	0	6	1	51	93	0	0
CHARLOTTE	0	0	0	0	0	0	0	3	2	66	125	14	10
CHICAGO	3	13	3	0	5	0	0	90	15	166	320	3	0
CINCINNATI	0	0	0	0	0	0	0	10	5	61	144	1	0
CLEVELAND	1	4	0	0	0	0	0	31	6	72	194	0	0
DALLAS	0	0	0	0	0	0	0	6	5	59	170	2	0
DENVER	0	0	0	0	0	0	0	4	3	51	110	0	0
DETROIT	1	7	0	0	0	0	0	21	6	116	199	1	0
EL PASO	0	0	0	0	0	0	0	10	0	23	59	0	0
HONOLULU	0	0	0	0	0	0	0	6	2	11	50	0	0
HOUSTON	0	0	0	0	0	0	0	3	0	69	57	0	0
INDIANAPOLIS	0	0	0	0	0	0	0	20	2	62	106	0	0
JACKSON	0	0	0	0	0	0	0	0	0	37	48	5	14
JACKSONVILLE	0	1	0	0	0	0	0	2	0	53	151	11	5
KANSAS CITY	0	3	0	0	0	0	0	2	1	75	239	0	0
KNOXVILLE	0	0	0	0	0	0	0	0	0	35	140	5	2
LAS VEGAS	1	0	0	0	2	0	0	0	0	57	124	0	0
LITTLE ROCK	0	0	0	0	0	0	0	0	0	63	75	7	0
LOS ANGELES	2	2	0	0	2	0	0	90	21	116	419	2	1
LOUISVILLE	0	0	0	0	0	0	0	0	1	79	115	0	0

134-11550-311
 BUREAU FILE

INVESTIGATIVE-TYPE TECHNICAL SURVEILLANCES (INV) (TS)
 MICROPHONE SURVEILLANCES - MS
 INTELLIGENCE-TYPE TECHNICAL SURVEILLANCES (INT) (TS)
 TELETYPE COVERAGE - TEL
 SECURITY MAIL COVERS - SMC
 FUGITIVE MAIL COVERS - FMC
 OTHER MAIL COVERS - OMC

SECURITY INFORMANTS - SI
 POTENTIAL SECURITY INFORMANTS-PSI
 CRIMINAL INFORMANTS - CI
 POTENTIAL CRIMINAL INFORMANTS - PCI
 RACIAL INFORMANTS - RAC
 RACIAL INFORMANTS PROBATIONARY - RAC PROB

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10/19/02 BY SPJAM/ely

OFFICE	INV. TS	MS	INT. TS	TEL	SMC	FMC	OMC	SI	PSI	CI	PCI	RAC	RAC PROB
MEMPHIS	0	0	0	0	0	0	0	1	0	32	129	3	0
MIAMI	1	5	0	0	1	0	0	21	7	108	237	1	0
MILWAUKEE	1	3	0	0	0	0	0	8	5	26	84	0	1
MINNEAPOLIS	0	0	0	0	0	0	0	18	5	60	152	0	0
MOBILE	0	0	0	0	0	0	0	0	0	38	128	9	1
NEWARK	0	8	0	0	4	0	0	40	36	102	300	0	0
NEW HAVEN	0	0	0	0	1	0	0	16	7	35	75	0	0
NEW ORLEANS	0	0	0	0	2	0	0	8	0	25	90	9	5
NEW YORK	33	18	36	21	22	0	0	222	95	176	572	1	1
NORFOLK	0	0	0	0	0	0	0	6	0	24	85	1	0
OKLAHOMA CITY	0	0	0	0	0	0	0	5	0	48	181	0	0
OMAHA	0	0	0	0	0	0	0	1	1	43	68	0	0
PHILADELPHIA	1	7	0	0	1	0	0	38	4	83	182	0	0
PHOENIX	1	2	0	0	0	0	0	14	3	26	126	0	0
PITTSBURGH	0	4	1	0	0	0	0	16	5	78	167	0	0
PORTLAND	0	0	0	0	0	0	0	13	0	34	72	0	0
RICHMOND	0	0	0	0	0	0	0	6	6	62	114	1	1
ST. LOUIS	0	2	0	0	0	0	0	22	0	61	168	0	0
SALT LAKE CITY	0	0	0	0	0	0	0	14	2	26	65	0	0
SAN ANTONIO	0	0	0	0	0	0	0	19	5	49	124	0	0
SAN DIEGO	0	0	0	0	0	0	0	33	2	35	121	0	0
SAN FRANCISCO	3	5	1	0	7	2	0	72	21	143	317	0	0
SAN JUAN	2	1	0	0	1	0	0	13	8	30	77	0	0
SAVANNAH	0	0	0	0	0	0	0	1	1	53	147	6	5
SEATTLE	3	1	0	0	3	0	0	41	4	65	163	0	0
SPRINGFIELD	0	0	0	0	0	0	0	2	0	58	160	0	0
TAMPA	1	1	0	0	1	0	0	21	25	47	124	13	11
WASHINGTON	9	7	35	23	18	0	0	52	49	69	160	2	0
TOTALS	65	105	76	44	76	3	0	1095	369	3339	8169	118	76

UNITED STATES GOVERNMENT

Memorandum

J U N E

TO : MR. TOLSON

DATE: 10/6/64

FROM : A. H. Belmont *ahb*

cc Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Sullivan
Mr. Rosen
Mr. Evans
Mr. Conrad

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/18/00 BY SP2AKM/ldj

SUBJECT: SPECIAL INVESTIGATIVE
TECHNIQUES

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
Sullivan	_____
Rosen	_____
Evans	_____
Conrad	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

This is to set forth the procedure being followed, under present conditions, relative to the use of the following special investigative techniques.

1. TRASH COVERAGE

By radiogram to all offices dated 9/17/64, the field was instructed that trash covers were not to be used and any in existence must be discontinued.

2. MAIL COVERS

By instructions to the field dated 9/30/64, all offices were instructed to discontinue mail covers in existence and to discontinue the use of this technique.

3. TECHNICAL SURVEILLANCES

Technical surveillances are being used only in security-type cases. Any departure from this, such as in a kidnaping case, is presented to the Director for approval.

We are presently examining each of the technical surveillances to insure that this technique is not being used in a case with prosecutive possibilities. The attached proposed instruction to the field stresses the fact that the Bureau will not authorize any technical surveillance in a case with prosecutive possibilities, as we do not want to run into the question of tainted evidence.

REC-31 104-111-29
OCT 21 1964

We disseminate a great deal of information outside the Bureau from our technical surveillances, for example to the White House, State Department, CIA, the military intelligence agencies, and the Department. This is necessary because we secure a great deal of intelligence data on such matters as the plans of various countries regarding issues being considered at the United Nations; the purpose of a pending contact between a foreign diplomat and the State Department, or the White House; plans of the Communist Party to initiate programs, or to deluge the White House with telegrams on a pending issue; attempts of

NATIONAL SECURITY INFORMATION

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Subject to Criminal Sanctions

AHB:CSH (8)

XEROX

Enclosure 1 1964 OCT 19 1964

Mr. Tolson
RE: SPECIAL INVESTIGATIVE
TECHNIQUES

the Communist Party or subversive elements to infiltrate the racial movement; possible racial disturbances; advance planning of Martin Luther King and his associates; demonstrations against Congressional committees, et cetera. We also pick up information regarding Security Index subjects which is included in investigative reports that eventually go to the Department, as the Department passes on Security Index cases.

Our safeguards in the area of technical surveillances are

(a) careful evaluation before they are installed. Current instructions are that they shall not be used in any case with prosecutive possibilities

(b) Paraphrasing or covering up of the source when we disseminate, so that the recipients cannot determine that the source of the information is a technical surveillance.

(c) Should a case develop prosecutive possibilities, despite our efforts not to use technical surveillances in any case which may develop into prosecution, we will insist on a complete understanding with the Department and the US Attorney, so that we will not run into another case, such as the JARO case, handled so ineptly by US Attorney Hoey.

4. MICROPHONE SURVEILLANCES

Microphone surveillances are being employed in security cases (44) and criminal intelligence matters (60). Each installation of a microphone must be approved by Mr. Tolson's office.

We are presently going over each of these existing surveillances, in the security field, to insure that they are not being employed where there are prosecutive possibilities, and the same precaution will be used in future installations. The attached radiogram to the field so instructs the field.


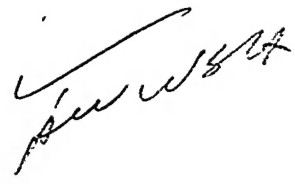
Intelligence information coming from these security microphones is likewise disseminated, when pertinent, to outside agencies, with appropriate paraphrasing and coverup of the source so that the recipients will not know the source. As in the case of technical surveillances, valuable intelligence data is derived from these sources.

In the criminal intelligence field microphone surveillances have been a primary source of information permitting us to gain knowledge of the activities in the field of organized crime, and particularly

Mr. Tolson
RE: SPECIAL INVESTIGATIVE
TECHNIQUES

Cosa Nostra. The information derived has enabled us to know of the organization and planning of leaders of organized crime, and has provided data leading toward our primary goal of infiltrating, penetrating and disrupting organized crime, and provided leads to develop live informants within organized crime. Following the leak from the Department in the Las Vegas case we stopped disseminating to the Department and the US Attorneys any information coming from our microphone surveillances, and since that policy was adopted we have had no further leaks from these sources. The only dissemination we make is when we pick up information about a possible forthcoming murder, or a matter within the jurisdiction of local authorities. We then disseminate to carry out our responsibilities, but we paraphrase and cover the source. We have had no difficulty in this regard. The attached radiogram to the field reiterates instructions that information coming from these criminal intelligence microphones must not be disseminated without prior Bureau authority.

If approved, we will operate along the lines set forth above.

OK.
WCS



cc Mr. Belmont
Mr. Sullivan
Mr. DeLoach

Mr. Baumgardner
Mr. Branigan

August 2, 1965

EX-100

THE ATTORNEY GENERAL

Director, FBI

REC-49

TECHNICAL SURVEILLANCES AND
THE USE OF ELECTRONIC DEVICES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/02 BY SP1ALM/felj

On the morning of July 30, 1965, Mr. C. D. DeLoach and Mr. A. H. Belmont, of this Bureau, met with Mr. Harold F. Reis, of your office, and Mr. Howard Willens, of the Criminal Division, with reference to the President's memorandum of June 30, 1965, dealing with technical surveillances and the use of electronic devices.

In view of the fact that this Bureau does obtain authority from you on each technical surveillance, and thus the Department exercises central control over the use of this technique by the FBI, Mr. Reis advised that it would be unnecessary for us to send in the ~~ALIS~~ ~~MEMO~~ mentioned in the last paragraph of the President's memorandum.

With reference to the first paragraph on page 2 of the President's memorandum, dealing with technical and electronic devices, as you are aware we also consult with you relative to the use of microphone surveillances, and consequently we meet the requirements of this paragraph.

During the discussion with Messrs. Reis and Willens it was agreed that we would forward samples of the requests we have made in connection with technical surveillances, so that the Department can devise appropriate instructions to other government agencies concerning the format and procedures to be followed in making requests of the Attorney General. As of possible assistance, I am enclosing three samples of actual requests, from which we have eliminated the names of the subjects.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized persons without the express approval of the FBI.

Enclosures 3
AHB:CSH (8)

- Belmont
- Mohr
- DeLoach
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Ingram
- Gandy

SENT DIRECTO.
8-2-65

SENT FROM D. O.
TIME 6:22 PM
DATE 8-2-65
BY [Signature]

XEROX
AUG 17 1965

AUG 2 5 56 PM '65

9-30-64

Airtel

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Rosen
- 1 - Mr. W. C. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. J. D. Donohue

(Sullivan)

TO: ALL OFFICES

From: Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/18/02 BY SP2/AM/ldj

MAIL COVERS

The Bureau no longer desires that mail covers be used as an investigative technique. Therefore, this is to advise that all mail covers have been discontinued and the Bureau will not entertain additional requests for mail covers in the future.

JDD:klb
(121)

rlk

NOTE:

See cover memorandum Sullivan to Belmont, captioned "Confidential Informant and Similar Types of Coverage," dated 9-30-64, prepared by JDD:klb.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

2 - CC ALL FIELD OFFICES

MAILED 5
OCT 1 - 1964
COMM-FBI

- Tolson _____
- Belmont _____
- Mohr _____
- Casper _____
- Callahan _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

1 Xerox made in PCO 4300
58 OCT 26 1964 10/20/64

Handwritten signatures and initials

REC 4

SEP 11 6 24 PM '64
READING ROOM

62-25532-948

OCT 22 1964

24 30 2 16 bh 24

1 - Belmont

OCTOBER 6, 1964

CODE

- 1 - Mohr
- 1 - DeLoach
- 1 - Sullivan
- 1 - Rosen
- 1 - Evans
- 1 - Conrad

REC'D-READING ROOM
 FBI
 Oct 6 4 15 PM '64

RADIOGRAM

URGENT

TO: ALL SAC'S
 FROM: DIRECTOR, FBI

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 12/19/60 BY SP2AM/ely

JUNE

SW
100

NATIONAL SECURITY INFORMATION
 Unauthorized Disclosure
 Subject to Criminal Sanctions

TECHNICAL SURVEILLANCES ARE TO BE USED FOR INTELLIGENCE PURPOSES ONLY AND, THEREFORE, YOU SHOULD INSURE THAT YOU DO NOT PROPOSE OR REQUEST TECHNICAL SURVEILLANCES IN CASES WHICH HAVE PROSECUTIVE POSSIBILITIES. THE SAME POLICY APPLIES TO MICROPHONE SURVEILLANCES WHICH INVOLVE TRESPASS. DISSEMINATION OF INFORMATION FROM TECHNICAL AND MICROPHONE SURVEILLANCES MUST BE PARAPHRASED AND APPROPRIATELY WORDED TO PROTECT THE SOURCE. WITH PARTICULAR REFERENCE TO INFORMATION DEVELOPED FROM CRIMINAL INTELLIGENCE MICROPHONES, YOU ARE AGAIN INSTRUCTED THAT NO DISSEMINATION IS TO BE MADE OUTSIDE THE BUREAU WITHOUT PRIOR BUREAU AUTHORITY. WFO ADVISED BY MAIL.

1 - WFO (DSM) *ok* *10-7-64* *of. advised by Millard*
 AHB:CSH- (10) *Buffalo* *Memphis* *Sampa* *Springfield* *of. advised by La Rigo*
Butte *Houston* *El Paso* *66-8160-25*
 Cover memo Belmont to Tolson 10/6/64 re SPECIAL INVESTIGATIVE TECHNIQUES (AHB: csh) *REC-35*

VIA RADIOGRAM
 OCT 6 1964
 7:56 PM

VIA TELETYPE
 OCT 7 1964
 9:00 PM
 ENCRYPTED

OCT 19 1964
 06 21 55
 ENC.
 71729

- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tule. Room _____
- Holmes _____
- Gandy _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY [Signature]

March 30, 1955

MEMORANDUM FOR THE ATTORNEY GENERAL

With reference to the proper controls over wiretapping and the installation of microphones, you will recall that I advised you that back under the administration of Attorney General Clark I recommended that all Government agencies refrain from wiretapping unless there was specific approval in each instance by the Attorney General who is the chief law officer of the Government. I repeated the same recommendation to each successive Attorney General following the administration of Attorney General Clark.

I have always felt that there was a very lax control in the handling of wiretapping by Government agencies. I am the only head of a Government investigative agency who does not have the authority to authorize a wiretap, but under the system which I personally set up. Therefore, requests for wiretaps are sent by me to the Attorney General for his approval or disapproval. I know that no such system is followed in other branches of the Government and, in fact, in many instances subordinates quite far down the line of authority tap telephones without the specific approval of the head of the agency and certainly without specific approval of the cabinet officer in charge of the department.

I still feel quite strongly that no Government agency should tap a telephone unless it is specifically approved in each instance by the Attorney General. This would certainly circumscribe promiscuous wiretapping on the part of Government agencies and would centralize in one place, the Attorney General's office, a record of any phone taps which have been placed by a Government agency.

As you are aware, in the case of the FBI we do not request phone taps except in cases involving kidnaping and espionage. This has been predicated upon my theory that when the life of an individual or the life of the Nation is in peril a phone tap is justified for intelligence purposes and any information obtained over a phone tap cannot be used in the trial of a criminal case.

JEH:RM (6)

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to any other person without the express approval of the FBI.

SENT FROM D. O. [Signature]
BY [Signature]

MAIL ROOM TELETYPE UNIT

Memorandum for the Attorney General

In line with your suggestion this morning, I have already set up the procedure similar to requesting of authority for phone taps to be utilized in requesting authority for the placement of microphones. In other words, I shall forward to you from time to time request for authority to install microphones where deemed imperative for your consideration and approval or disapproval. Furthermore, I have instructed that, where you have approved either a phone tap or the installation of a microphone, you be advised when such is discontinued if in less than six months and, if not discontinued in less than six months, that a new request be submitted by me to you for extension of the telephone tap or microphone installation.

Respectfully,

John Edgar Hoover
Director

9:53 a.m.

March 30, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/19/02 BY SP2AM/edj

I called the Attorney General and advised him I had checked both matters he had inquired about earlier today and we, of course, have never tapped (Joseph) Alsop's phone and have had no surveillance on young Reston.

I further advised him that Mr. DeLoach told me that Moyers told him Alsop came in to see Moyers yesterday. The Attorney General said this was the reason for his phone call. I advised him that Alsop said he was going to write a column if we didn't take it off right away. I said as far as I am concerned Alsop can write anything he pleases. The Attorney General said before we get to that, what he is trying to do now is make sure nobody did. I said it is entirely possible the Defense Department or the Comptroller General's office did. I further stated we could very readily check his (Alsop's) phone and find out but I wouldn't do that for him.

As to young Reston, I said there was no investigation by us but it is entirely possible another agency did.

The Attorney General said the thing that occurred to him is that Alsop believes this because he said something over the phone which he said to nobody else and, therefore, his phone must have been tapped, but it is possible Alsop talked on a phone that was tapped and it was not his phone. I said that is possible; that it is entirely possible these other Government agencies are tapping phones.

The Attorney General said the President talked to him about that and he told the President he was contemplating that no taps be authorized by anyone except himself - but he has not discussed this with all the other department heads - so he would have a central control. I told him I recommended that back under Tom Clark. He said the President thought that was a good idea. He further, said, if that is set up the way he would like done, the requests would come through me to him. I said I

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
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Memorandum for Messrs. Tolson, Belmont, DeLoach March 30, 1965

would be glad to do that. He said McNamara is perfectly agreeable to this and McNamara thinks it is not possible in Defense without his or Vance's approval but that is not his (the Attorney General's) impression. I said it is not mine. He said he told the President he had absolutely no question about the Bureau in this regard but could not speak for the other agencies.

I stated that, if an agent should get out of line, he would be fired right away; that they understand that very clearly; that when we have requests from the field that we turn down, we don't even send them around to him; that we try to keep them down to 50 or 60 for the entire country in espionage and kidnaping cases. He remarked that kidnapings are very rare. I explained that, where the life of an individual or the life of the Nation is threatened, I think it warranted. I said that three years ago, we had about 100 and now have gotten it down to about 50 or so and the field is very sensitive to the fact that they will not be approved here unless it is something very vital; and I think this would be the only way to do it.

The Attorney General said also he would like to set up some similar procedure on microphone installations; that he really ought to be informed in this regard, not be told after but be told prior. I stated I am perfectly willing to have that done; that I see no objection. The Attorney General said he does not think it is right to put a responsibility like that on the Bureau; if anything comes out, he has to take responsibility and so he might just as well take the responsibility.

I related that there are four categories: the so-called mail covers and they have been discontinued; the so-called trash covers and we have one in Miami on a Cuban who is working for the Castro element; the other two categories are in so-called phone covers and in the microphone covers. I said we still have some microphone covers though not in large numbers; that they are largely limited to espionage and Cosa Nostra activities; but I would start right away on the microphones the way we follow on the telephones.

The Attorney General indicated he wanted to discuss this with me in detail but not on the phone that he thought on the taps we might have a system where the authorization would run for a specific time, six months or something; that as it is now he has no idea when they are taken off or when

Memorandum for Messrs. Tolson, Belmont, DeLoach March 30, 1965

they continue to go on. I advised him that we re-evaluate each phone tap every thirty days; that I have no objection on re-evaluation to again notifying him we would like to continue the tap. He said he was thinking of a longer period. I said we could take three months or six months and he said whatever fits in with our practice. I stated I would be glad to do whatever he suggests.

Very truly yours,

John Edgar Hoover
Director

1 - Miss Holmes

UNITED STATES GOVERNMENT

Memorandum

JUNE

MR. TOLSON ✓

DATE: 3/30/65

FROM:

A. H. Belmont

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2AM/df

cc Mr. Belmont
Mr. Sullivan
Mr. Rosen
Mr. Gale
Mr. J.D. Donohue

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

SUBJECT:

TECHNICAL SURVEILLANCES and
MICROPHONE SURVEILLANCES

With reference to the Director's conversation with the AG this morning, concerning technical and microphone surveillances, I immediately called Assistant Directors Sullivan, Rosen and Gale and instructed that, effective immediately, all microphone surveillances are to be authorized by the AG, in the same manner as we now secure authority for technical surveillances. In addition, when either a technical or microphone surveillance is discontinued within six months after being placed, the AG is to be notified. Also, at intervals of six months after placing a technical or microphone surveillance, the AG is to be advised that the surveillances are being continued and the reasons why.

With reference to technical and microphone surveillances now in existence, we of course require periodic justification from the field for the continuance of these surveillances. At the time of the next justification on these current surveillances we are to notify the AG that they are in existence and are being continued, and the reasons why. This will put him on notice on a staggered basis as these justifications come in.

It is not considered advisable to send out a written communication to the field on these new procedures. The notification to the Attorney General is handled entirely at the seat of government, and no technical or microphone surveillances can be placed without clearance by the Bureau at the seat of government. If the Director agrees, we will orally explain to the SACs when they come to the seat of government for two-day conferences or inservice training that we are following this new procedure with the AG, and we will stress to the SACs the absolute necessity for restraint and caution in using both of these techniques.

Occasionally we receive a telephone call from an SAC requesting authority on an urgent basis to place a microphone immediately to cover the activities of a Soviet-bloc official who is visiting a city overnight. The field is required to cover such visits to see whether the official is making contact with an espionage agent.

AHB:CSH (6)

REC-58

CONTINUED - OVER

EX 105

17 APR 22 1965

254
REC SEC 3
DONOHUE

APR 26 1965

NATIONAL SECURITY INFORMATION

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Mr. Tolson

Such requests are always cleared with Mr. Tolson in advance if time permits; otherwise a memorandum is written immediately, advising of the request and that authority was granted. In cases of such urgency, it is suggested we continue to handle the requests in the same manner, and immediately prepare a memorandum to the AG, putting him on notice.

OK. H
Any other problems which may arise in implementing this new procedure will be called to your attention.

Q

V.

JUNE

July 14, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. GALE
MR. ROSEN
MR. SULLIVAN
MR. DE LOACH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/19/00 BY SP2/AM/ldj

Wire tapping

On July 12, 1965, the Attorney General came around from his office to see me relative to the problem he is facing in connection with testifying before Senator Long's Committee concerning technical installations and electronic use for listening purposes. He stated that he did not anticipate any problem concerning technical devices and I told him we had been assured by Senator Eastland, Chairman of the main committee of which Senator Long of Missouri is a Chairman of a subcommittee that Senator Long would not raise any questions about the FBI's operations in the matter of technical surveillances and electronic devices.

The Attorney General stated he felt that in view of the pressure that is being brought to bear, particularly on the Internal Revenue Service, he would like to have all microphones installations suspended at this time. He stated not to remove such microphones, but to stop any coverage of the same so that he would be in a position to state that there was no coverage of microphones by the FBI. I immediately informed Mr. Belmont in the presence of the Attorney General and told him to see that appropriate orders were issued to all field offices having microphone installations to stop coverage of the same but to allow the microphones to remain in and not take them out until further word from the Attorney General.

In the meantime, of course, we should not send any requests for microphone installations to the Attorney General for approval but should await the outcome of the present developments in the hearings before the Long Committee.

When the Attorney General appeared before the Long Committee yesterday, Mr. Bernard Fensterwald, Jr., who is the Chief Counsel of the Committee, and me into the matter of technical installations by the FBI and asked various questions concerning the same, and the Attorney General has agreed to supply certain

JLH:EDM (10)

REC-116 624 122 1214-33

1 - Miss Holmes NATIONAL SECURITY INFORMATION
Unauthorized Disclosure JUL 15 1965
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- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

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JUL 16 1965

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July 14, 1965

Memorandum for Messrs. Tolson, Belmont, Gale, Rosen, Sullivan, DeLoach

information. I instructed yesterday that a memorandum be prepared immediately for the Attorney General giving him the answers to the questions which had been asked of him that pertain to the FBI. Obviously Senator Long did not keep his promise to Senator Eastland relative to involving the FBI in this investigation which the Long Committee is making and which has been largely centered upon the Internal Revenue Service and its activities in the Pittsburgh field division.

As regards the technical surveillances which we have in operation, I note that the Attorney General is holding and has not yet approved about his such requests for technical surveillances, and I believe that this is probably due to the hearings which are being held by the Long Committee. I believe that we may be compelled to withdraw all technical surveillances out so far that has not been ordered by the Attorney General and we will continue the coverage of those which we have in operation.

In view of the growing delicacy in this whole field, I will be more reluctant to approve requests for technical surveillances until the atmosphere has been clarified.

I realize the value of technical surveillances as well as of microphone installations, both in our security and in our crime investigations, but if it be the will of Congress and the desire of the Attorney General that they be completely suspended, we will, of course, have to comply with it.

In the meantime, I want you to be most circumspect in requesting approval of any technical surveillances and discontinue any which are not really productive.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

SENT FROM D. O.
TIME 10:32 PM
DATE 7/14/65
BY J. E. H.

UNITED STATES GOVERNMENT

Memorandum

JUNE

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
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Callahan	_____
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Sullivan	_____
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Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Tolson

DATE: 7/30/65

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/80 BY SP2AM/efg

FROM : A. H. Belmont

CC: Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Conrad
Mr. Gale
Mr. Rosen
Mr. Sullivan

SUBJECT: TECHNICAL AND MICROPHONE
SURVEILLANCES
(President's memorandum
of 6/30/65)

On the morning of 7/30/65 Assistant Director DeLoach and I met with Harold F. Reis of the Attorney General's Office and Howard Willens of the Criminal Division, with reference to the President's memorandum of 6/30/65 dealing with technical and microphone surveillances.

The President's memorandum restricts wire taps to national security cases and requires the prior approval of the Attorney General. As the Bureau does clear every technical surveillance in advance with the AG, no action is required by us.

The President's memorandum also states that each agency should consult with the AG to see that the agency's practices in microphone surveillances are in accordance with the law and with a decent regard for the rights of others. Messrs. Reis and Willens were advised that the FBI does clear its microphone surveillances with the AG and, therefore, the AG is fully cognizant of our practices and policies.

The President's memorandum calls for an inventory of mechanical and electronic equipment to intercept telephone conversations, and a list of interceptions currently authorized, and the reasons for them. Messrs. Reis and Willens advised that it would not be necessary for the Bureau to submit such information to the Department, inasmuch as all technical surveillances by the Bureau have been under the strict control of the Department of Justice.

Mr. Reis said that it would be necessary for the AG to send a directive around to various agencies which use wire taps, giving instructions as to the form which should be used in clearing technical surveillances with the AG. He asked whether the Bureau could prepare such a directive, and whether the Bureau would be in a position to advise the AG whether these requests from other agencies had merit. I told Mr. Reis that we would not be in a position to

AHB:CSH (8)

NATIONAL SECURITY INFORMATION
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EX-100

memo to AG 8/2/65

AUG 17 1965

SENT

7-30-65

AUG 25 1965

Mr. Tolson

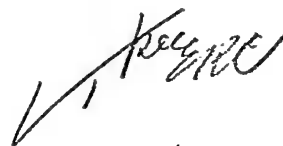
comment on the merits of any of these requests. In so far as the form of the requests from other agencies is concerned, I pointed out that when we request technical surveillances from the AG we put in sufficient information to show that the matter concerns internal security and a paragraph as to the merits of the case, and that the request from the agency should have sufficient information in it to permit the AG to rule on its merits. I told Reis we would give him samples of our requests so that he could use them in drawing up instructions to the other agencies.

In discussing the question as to how the other agencies would present their requests to the AG, Messrs. Reis and Willens were advised that we would be glad to have such requests picked up from the other agencies by our liaison representatives, and delivered to the AG's office, and thereafter return the requests, with the AG's action, via liaison, to the appropriate agencies. Mr. Reis said that he was insisting that requests from the other agencies come through the top man; for example, requests from the Air Force would have to come from the office of the Secretary of Defense.

Relative to other agencies consulting with the AG as to their practices in the use of microphones, Mr. Willens indicated that he would probably be the one who would discuss this matter with other agencies, for the AG.

ACTION:

None. We will furnish to Mr. Reis a couple of samples of our requests for technical surveillances, after eliminating any confidential names, et cetera, from them.



UNITED STATES GOVERNMENT

Memorandum

JUNE

Tolson	
Belmont	
Mohr	
DeLoach	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : MR. TOLSON

FROM : A. H. Belmont

DATE: 5/11/65

cc Mr. Belmont
Mr. Sullivan
Mr. Gale

SUBJECT: TECHNICAL AND MICROPHONE SURVEILLANCES

ALL INFORMATION CONTAINED
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DATE 10/19/00 BY SP2AM/ely

3- [Handwritten initials]

[Handwritten signature]

I accompanied the Director to the Attorney General's office at 5 p.m., on 5/6/65 to discuss the use of technical and microphone surveillances by the Bureau in our work.

The AG advised that he was not concerned about the use of these techniques in security work, apparently on the basis that the need for such techniques in this field was apparent to everyone. He said he was in agreement with the Director's position that all technical surveillances by all government departments and agencies should come through the AG for approval, in order that a strong control could be maintained. He indicated he had talked to Secretary McNamara who said the military were not using wire taps, and to Director McCone of CIA, who indicated CIA had only had one wire tap, which the FBI knew about (this was in a leak case involving a newspaperman in Northern Virginia, which we declined to handle). The AG thought it would be desirable for other agencies and departments to arrange with the FBI to place wire taps for them, when necessary, thus insuring central control and handling.

We advised the AG that this was not desirable; that we had found, as a matter of practice, that the only way you could keep these matters secret was to keep them within the FBI, and that we would not admit to anyone that we actually had wire taps on specific persons or organizations, even though we cleared technical surveillances in advance with the State Department when they related to foreign establishments. It was pointed out that the only one in the Department of Justice who knows of the wire taps and microphones we have is the AG himself, as such information does not go out of the AG's office, and while persons could guess, as a result of information that we disseminate, they could not make a positive statement. We reiterated that we would not want to handle wire taps for some other agency.

The AG expressed concern about microphone coverage of hoodlums in criminal work. He said he was not concerned about recording devices carried on the persons of our informants, or in automobiles, or the rooms of informants, nor was he concerned about legal microphones. He was concerned about the possibility that the

AHB:CSH (4)

NATIONAL SECURITY INFORMATION

CONTINUED - OVER

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255

6 AUG 5 1965

6 JUL 28 1965

Mr. Tolson

Department and the Bureau would be embarrassed by attorneys, such as Edward Bennett Williams, raising the issue of microphones in court, such as in the Las Vegas case.

We pointed out that the Las Vegas matter arose as a result of a leak, and we are not disseminating information from our microphones, as such, any more to safeguard against such a leak; further, Williams' attempt to utilize the Las Vegas microphones in the Alderisio case in Denver backfired on Williams, and Williams has instructed that the suit against the telephone company in Las Vegas be dropped as of 5/14/65.

It was pointed out that La Cosa Nostra is a powerful group which spearheads organized crime in this country. It has immense power through corruption, money, influence in political and law enforcement circles, and wields power over its membership and associates through fear; that it constitutes a menace to the welfare of the country because of its power and influence, and has been surrounded by an aura of invincibility. We have waged an all-out attack on this group, using any and all means to destroy it and break down its influence and alleged invulnerability. In this attack our microphones have been invaluable in that they have provided intelligence information as to the identity of members of La Cosa Nostra, the areas of their influence, and their organization and activities. Knowledge permits us to plan our attack and to probe vulnerable spots; also to disrupt and harass the group and pass information along to trusted local and state officials, who can act on it. Above all, this knowledge assists us in developing live informants. Originally we were told we could not develop informants in La Cosa Nostra, but we have developed 8 and will develop more. Any case for prosecution will be based on live informants or evidence not flowing from microphones; therefore, these cases will not be "tainted" and the government should be able to forestall any demand for information on these techniques in court by stating the case rests on evidence which in no way flowed from tainted sources.

The AG was advised that unless he wants to cut down on the attack on organized crime, these microphones are necessary. The AG inquired whether trespass was involved and the extent to which the telephone companies had knowledge of our microphones. He was told that trespass is involved in about 95% of the cases, and that we seek to keep the telephone company in ignorance by merely leasing lines without telling the phone company what they are for.

Mr. Tolson

The AG said, after the discussion, that he would go ahead and initial the memoranda we had sent to him, and would like us to send through the additional memoranda showing the continuance of these microphones. He said he would rather know about these things, and back the Bureau in its use of these techniques, than be in ignorance of what was going on.

The AG advised that President Johnson had told him that he did not want technical surveillances used, and the President asked for a list of technical surveillances on embassies. It was agreed that the Director and the AG would talk to the President, and the Director would have a list of the embassy technical surveillances in his pocket, but no list would be left at the White House. The value of the intelligence information funnelled to the White House and the State Department and other agencies was pointed out to the AG, and we have prepared examples of these items for the Director to use in his discussion with the President. We have also prepared the list of technicals on embassies.

Q

✓

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad

DATE: July 26, 1965

FROM : R. L. Millen *RLM*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2AUC/kyj U N E

SUBJECT: SENATE SUBCOMMITTEE ON
ADMINISTRATIVE PRACTICE AND
PROCEDURE (LONG COMMITTEE)

Belmont	_____
Mohr	_____
Callahan	_____
Casper	_____
Gale	_____
DeLoach	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

Handwritten initials and signatures are present over the routing slip.

Reference is made to my memorandum to you dated July 21, 1965, captioned as above which furnished information in response to the Director's questions concerning portions of Treasury Department testimony before the Long Committee.

Regarding refresher training of sound-trained Agents in connection with regular In-Service, the Director noted "It must be stopped." Accordingly, arrangements have been made with the Administrative Division and Training Division for immediate discontinuance of this refresher training.

In connection with a reference by an Internal Revenue Agent to a tape recorder built in a brief case and the explanation that Bureau has some small recorders that may be transported in a brief case, the Director noted, "None is to be used without specific approval by Tolson. No more are to be acquired." This type of equipment already requires prior Bureau approval for its use and the prior authorization will in the future be obtained by interested Divisions from Mr. Tolson. Director's instruction with reference to not acquiring additional small recorders is noted and no further recommendations for acquisition of equipment of this type will be submitted.

Relative to the infrared night viewing devices used by the Bureau to assist in physically surveilling a darkened area, the Director noted, "No more are to be acquired. Tolson must approve the use." Instruction relative to approval procedure is included in attached proposed SAC Letter. The Director's instruction with reference to not acquiring additional infrared night viewing devices is noted and no further recommendations for acquisition of additional units will be submitted.

- 1 - Mr. Belmont
- 1 - Mr. Mohr
- 1 - Mr. Callahan
- 1 - Mr. Casper
- 1 - Mr. Gale
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Conrad
- 1 - Mr. Millen
- 1 - Mr. Baker

NATIONAL SECURITY INFORMATION

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SENT DIRECTOR
FOR APPROVAL
7-27-65

AUG 30 1965

Enc. *see letter*
CONTINUED - OVER
RLM:ev (12)

NOT RECORDED
170 SEP 1 1965

Memo Millen to Conrad

Re: SENATE SUBCOMMITTEE ON
ADMINISTRATIVE PRACTICE AND
PROCEDURE (LONG COMMITTEE)

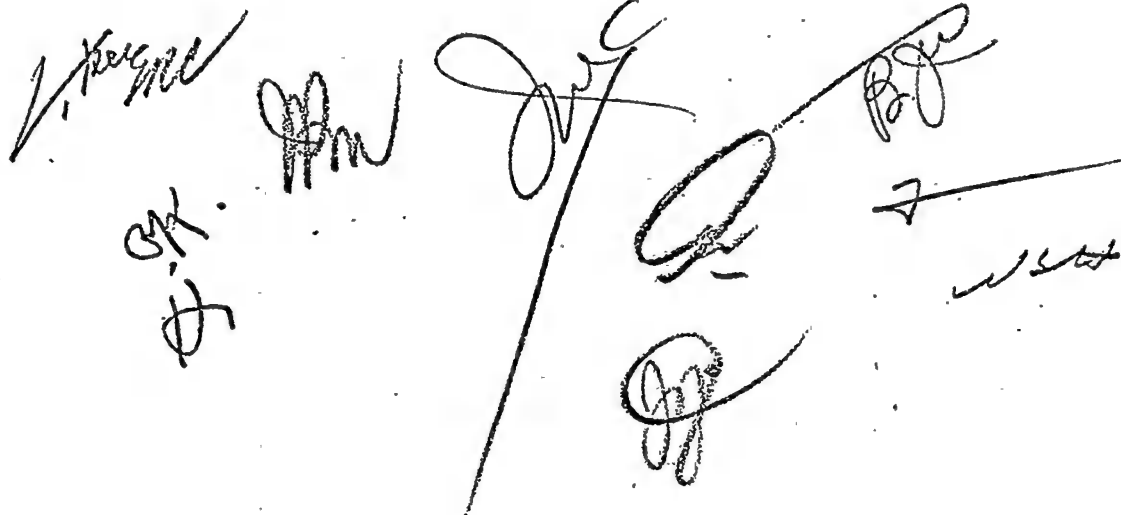
In regard to the memorandum covering these items, Mr. Tolson noted "Does the field get S of G approval for use of this technical equipment?" and the Director added "I would like to know. Any uses of the above devices must first be approved by Tolson."

In response to the Director's inquiry, coordination with other Divisions at the Seat of Government reveals that Seat of Government approval for each individual use of the night viewing devices and X-ray mirrors has not been specifically required in the past; however, prior Seat of Government authorization has been required for use of the small recorders. In the future, all such authorization will be obtained by the interested Divisions from Mr. Tolson.

The attached proposed SAC Letter includes specific instructions that each individual use of these and related devices must be approved by the Seat of Government in advance of the use.

RECOMMENDATION:

That attached SAC Letter be approved for distribution to the field.

A collection of handwritten signatures and initials in black ink. On the left, there is a signature that appears to be 'K. H. ...' and below it, the initials 'SK' and 'H'. In the center, there is a signature that looks like 'AM'. To the right, there is a large, stylized signature that could be 'J. G.' or similar. Below that, there are several other initials and signatures, including one that looks like 'R.' and another that looks like 'W. S. H.'.

UNITED STATES GOVERNMENT

Memorandum

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DATE 10/19/00 BY SP7AM/ly

- Tolson
- Belmont
- Mohr
- DeLoach
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

TO : MR. TOLSON

DATE: July 22, 1965

FROM : W. M. FELT

SUBJECT: POLYGRAPH MATTERS

The Director instructed me to look into our use of the polygraph to determine whether administrative controls are adequate. Purpose of this memorandum is to reflect results of my inquiries.

I have made a detailed review of our controls and have discussed all phases with personnel involved. Briefly, all requests of the field to use the polygraph must be approved by the appropriate Assistant Director, the Assistant to the Director and in every instance final approval must be made by Mr. Tolson.

Current control procedures were initiated and placed into effect by the Director, and are much tighter than before as indicated by the comparison set out below.

<u>Use of the Polygraph by Calendar Year</u>	<u>Number of Cases In Which Polygraph Was Used</u>	<u>Number of Persons Examined</u>
Calendar year 1963	943	2021
Calendar year 1964	521	885
Calendar year 1965 (thus far)	95	158

A further illustration of the effectiveness of current controls are the figures set out below showing the use of the polygraph during the first 6 months of calendar year 1965

<u>Polygraph Use Month by Month</u>	<u>Number of Cases</u>	<u>Number of Exams</u>
January, 1965	28	45
February, 1965	57	39
March, 1965	12	43
April, 1965	12	17
May, 1965	10	12
June, 1965	2	2

Also illustrative of the tightness of the controls at the present time is the tabulation set out below showing total requests by month for the past six months, the number of requests granted and the percentage of requests granted.

1 - Mr. Conrad

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Memorandum to Mr. Tolson
Re: Polygraph Matters

	<u>Total Requests</u>	<u>Requests Granted</u>	
		<u>Number</u>	<u>Percentage</u>
January, 1965	51	33	65%
February, 1965	79	17	22%
March, 1965	52	15	29%
April, 1965	33	11	33%
May, 1965	25	6	24%
June, 1965	16	3	19%

(NOTE: Slight differences in this and the preceding chart are due to the fact that some examinations performed were requested and approved during the previous month.)

The above indicates that not only are the actual number of requests made by the field decreasing sharply but also the percentage of approvals, i. e., from 65% in January, 1965, to 19% in June, 1965. Many of the denials are made by the Assistant Directors and by Mr. Belmont which indicates the requests are being carefully screened prior to being referred to Mr. Tolson for consideration.

OBSERVATIONS

In the light of the above, I am convinced that our use of the polygraph is being held to the minimum and further that our administrative controls are completely adequate to insure that there are no excesses.

RECOMMENDATION

None. Informative.

It shows that in the past there has been complete indifference ~~to our~~ constant demands that the polygraph be used most restrictively. Henceforth there shall be no use of the polygraph, not because I recognize its investigative limitations, but because our officials have failed to keep its use within bounds until the last two months.

UNITED STATES GOVERNMENT

SECRET

ROUTE IN ENVELOPE

Memorandum

Handwritten notes and signatures:
 Tolson _____
 Belmont _____
 Mohr _____
 DeLoach _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

TO : MR. BELMONT *ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.* DATE: 9/30/65

FROM : W. C. Sullivan

SUBJECT: SPECIAL INVESTIGATIVE TECHNIQUES

cc Mr. Belmont Mr. Conrad
 Mr. Mohr Mr. Felt
 Mr. Casper Mr. Sullivan
 Mr. Rosen Mr. Baumgardner
 Mr. Gale Mr. Donohue

In the attached memorandum you recommended that we prepare for the Director's approval our suggested use of special investigative techniques. In the use of these various techniques, we intend to be most circumspect and cautious and there is set forth below the policy we propose to follow in connection with their use.

TECHNICAL SURVEILLANCES

Class. & Ext. By G-3
 Reason-FCIM 1-2.4.2 2/3
 Date of Review 9/30/85

All wiretaps presently in operation have been approved by the Attorney General and are being used in connection with security cases. We will continue to obtain the Attorney General's written authorization for each new wiretap. We will hold these to a minimum and will carefully evaluate each one to insure that it is absolutely necessary. For example, we will consider wiretaps where situations develop making it imperative for us to obtain intelligence data through technical coverage, such as in connection with the dispute between India and Pakistan. This is the type of surveillance recommended by the President's Foreign Intelligence Advisory Board and approved by the President.

MICROPHONE SURVEILLANCES

REC 58 65-111-2582

Following the Attorney General's suggestion on July 12, 1965, we deactivated all our microphone surveillances. Inasmuch as the Attorney General has now expressed the opinion that it is desirable to use such techniques in the gathering of intelligence in the national security field, we will reactivate these surveillances. Since they were only deactivated and were not removed, we suggest it will not be necessary to secure the Attorney General's approval to reactivate them, but at the end of six months we will send the usual continuation memorandum to the AG, putting him on notice that they are operating and the results obtain warrant their continuance. Before we reactivate any microphone we will carefully evaluate each one in a memorandum for the Director's approval.

NOV 19 1965

Requests for new microphone surveillances will be presented to the Attorney General for his approval as in the past and will be confined solely to cases involving national security.

FJB/aab/csh (11)

CONTINUED - OVER

NATIONAL SECURITY INFORMATION
 Unauthenticated Disclosure
 Subject to Criminal Sanctions
 CLASSIFIED BY SP2A/LM/clj
 DECLASSIFY ON: 25X 1
 10/1/65

SECRET

Memorandum to Mr. Belmont
SPECIAL INVESTIGATIVE TECHNIQUES

SECRET

(S)
ANAGRAM AND ANONYMOUS SOURCE PROGRAMS

Our Anagram Program, which is the surreptitious entry into foreign establishments to obtain codes and highly confidential material, in the past has produced material of inestimable value to the National Security Agency in its efforts to break into communications channels of foreign countries. In line with other special investigative (S) techniques, we discontinued this program. We feel that we should resume this operation, but only with the personal assurance of the Special Agent in Charge or Assistant Special Agent in Charge of the office involved that full security is assured. We will make certain that prior Bureau authority is obtained in each case. Likewise, we will give consideration to similar requests in other highly important Bureau cases where the intelligence to be gained warrants the use of this technique. None will be authorized without Mr. Tolson's approval.

(S) ✓
MAIL COVERS

We have no intention of using mail covers except in highly unusual situations and on a limited basis. We will only utilize this technique when it is absolutely necessary, and in each instance we will obtain the approval of the Director prior to its use. Whenever used, we will maintain close supervision to insure the results are productive and essential and will immediately discontinue the mail cover when no longer justified.

✓
TRASH COVERS

We have no trash covers in operation at the present time. As in the case of other special techniques, we will consider the use of trash covers only where necessary and on a limited basis. Each request from the field will be carefully analyzed and will only be recommended for the Director's approval where it is felt the technique is absolutely essential. We will make certain that the cover continues only as long as it is necessary and productive.

✓
POLYGRAPH

We have discontinued the use of the polygraph. However, ~~since~~ the Attorney General observed in his memorandum of September 27, 1965, that polygraph tests are legal and frequently useful, and said he saw no reason why we should not continue judicious use of this technique, It has been most effective in breaking certain cases, such as embezzlement cases, where only two or three suspects had access to the money.

- 2 -
SECRET

CONTINUED - OVER

Memorandum to Mr. Belmont
SPECIAL INVESTIGATIVE TECHNIQUES

SECRET

We will resume our selective use of the polygraph. Each request from the field will be given most careful scrutiny. Where we feel the polygraph is essential to an investigation, a memorandum will be prepared for Mr. Tolson requesting his approval for its use.

PORTABLE MICROPHONES AND RECORDERS

These techniques are only used sparingly and the Attorney General has stated that where the use of these devices is necessary and appropriate and do not involve trespass or questions of legality, the Bureau should continue to use them without authorization from him. Accordingly, in those cases where the use of this equipment is fully warranted, we will carefully consider each request from the field. Where the facts fully justify the use of these devices, we will prepare an appropriate memorandum for approval.

PANEL TRUCK USED FOR SURVEILLANCES

(u)
(S)

Special surveillance trucks are a legal investigative aid which have been used on a limited basis with excellent results at the discretion of the Special Agent in Charge. We plan where warranted to continue use of this technique at the discretion of the Special Agent in Charge with the following one exception to insure tight control of its use: When a Field Office proposes to use this technique in connection with a photographic surveillance of a group meeting, it will be necessary for the Field to secure prior Bureau approval. In each instance where such a request is received, a memorandum will be submitted for approval.

(u)
(S)

CONCEALED CAMERAS

Upon authority of the Special Agent in Charge, concealed cameras will be utilized to obtain photographs of individual subjects in individual cases. The field is under instruction that this technique should be utilized only in those instances in which photographs of known subjects are not obtainable through ordinary sources. Where it is desired to use this technique to photograph mass groups, prior Bureau authority must be obtained, except in civil rights demonstrations when the type of equipment is left to the discretion of the Special Agent in Charge who will be held accountable for exercising sound judgment in each instance. It is recommended there be no change in the present policy.

SECRET - 3 -

CONTINUED - OVER

SECRET

Memorandum to Mr. Belmont
SPECIAL INVESTIGATIVE TECHNIQUES

INCOME TAX INFORMATION

We have in the past been able to obtain from the Internal Revenue Service, on a highly confidential basis, information from income tax records of considerable value in our investigations. This practice was recently discontinued. In view of the Attorney General's observations that this type of information can and should be obtained from the Internal Revenue Service, we will resume obtaining it, but will present the facts in each case to the Director for his approval before doing so.

RECOMMENDATION:

If you approve, we will carry out these procedures in line with the policy outlined above.

(u)
(S)

(u)
(S)

CB
FMB

Jan

W.E.S.

O

I want authority for use of any of the above to be obtained here & not left to discretion of any Doc -

X

SECRET

UNITED STATES GOVERNMENT

Memorandum

SECRET

10/19/00
CLASSIFIED BY SP2ALM/ely
DECLASSIFY ON: 25X1

Tolson	✓
Belmont	✓
Mohr	✓
DeLoach	✓
Casper	✓
Callahan	✓
Conrad	✓
Felt	✓
Gale	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Holmes	✓
Gandy	✓

TO : MR. TOLSON & EXT. BY C-3 DATE: 9/28/65
 Reason-FCIM I 1-2.4.2 273
 Date of Review 9/28/85
 FROM : A. H. Belmont 3/8/82
 SUBJECT: SPECIAL INVESTIGATIVE TECHNIQUES

cc Mr. Belmont
 Mr. Sullivan
 Mr. Rosen
 Mr. Gale
 Mr. Conrad

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE.

By letter dated 9/27/65 the Attorney General replied to Bureau letter of 9/14/65 in which we pointed out that, in line with the wishes of the AG and the concern of the President, the FBI has severely restricted and, in many instances, eliminated the use of special investigative techniques.

In his letter the AG says he is completely in agreement that undue limitation on special investigative techniques will make far more difficult the protection of the country against subversion and organized crime activities and, therefore, he sets forth his thoughts and guidelines on these problems. He refers to the hue and cry raised because of injudicious use of these techniques by other agencies, but states that the use of such techniques in proper circumstances is not illegal and in his judgment is appropriate and necessary. Therefore, he does not think it necessary for the Bureau to drastically limit the use of such techniques and he will be happy to take full responsibility for their use under the guidelines he provided, namely

- (1) Mail covers, trash covers, and polygraph tests are legal and frequently useful investigative methods. The AG sees no reason why their judicious use should not be continued where the Bureau considers it appropriate. Similarly, information can and should be continued to be obtained from the Internal Revenue Service files, in accordance with existing safeguards and limitations.
- (2) The AG believes the Bureau should continue to use portable microphones or portable recorders where their use does not involve trespass or questions of admissibility of evidence, or legality. He believes these techniques should be used "without further authorization from me."

OBSERVATION:

In both category 1 and category 2 the AG is listing those techniques which do not involve trespass or illegality. Presumably in this same category would be such techniques as the use of two-way

AHB:CSH (6)

219 memo Sullivan
 9-30-65
 6 DE 223-006
 1965

REC 58

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SECRET

NOV 19 1965

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized persons without the express approval of the FBI.

Mr. Tolson

SECRET

~~mirrors on surveillance trucks, the use of concealed cameras to take photographs, and the use of night-viewing devices.~~

(3) The AG then comments on wiretaps and microphones involving trespass which "present more difficult problems because of the inadmissibility of any evidence obtained in court cases and because of current judicial and public attitudes regarding their use." He understands that such devices will not be used without his authorization. He states that wiretaps and microphones should be confined to national security matters; that he will continue to approve all such requests in the future, as he has in the past, and he sees no need to curtail any such activities in the national security field. He recognizes the value of these techniques in the investigation of organized crime, but feels "in the light of the present atmosphere" that efforts in the immediate future should be confined to national security.

The AG says he will be happy to discuss the matter personally with the Director, if desired.

OBSERVATION:

In this letter to us the AG is differentiating between two types of special investigative techniques, (1) those involving no trespass or question of legality, in which cases he authorizes their use without further reference to him; and (2) those which do involve trespass or a question of legality, in which cases he authorizes their use in national security matters, subject in each case to his authorization. He says he will continue to approve requests of this nature.

The AG apparently feels that he is on solid ground in approving microphones and wiretaps in national security cases, but he is fearful of the Long Committee and attorneys such as Edward Bennett Williams with reference to the use of microphones in the organized crime field. His limitation as to the field of organized crime is couched in terms "in the light of the present atmosphere I believe that efforts in the immediate future" should be confined to national security. Therefore, this issue can be reopened when conditions are more favorable.

The AG does not cover in his reply the use of wiretaps in kidnappings and cases involving jeopardy of human life. If such a case comes up I think we can handle this by contacting the AG at that time, rather than raising the issue now.

2 SECRET

SECRET

Mr. Tolson

The net effect of this letter from the AG is that he says go ahead and use all of these investigative techniques judiciously, as the Bureau has in the past; however, restrict the use of wiretaps and microphones involving trespass to national security cases, and clear each with him as in the past. This has the effect of putting the AG on record, in writing, that he recommends the use of these techniques and stands back of their use. It would seem, therefore, that we should use them, on a restrained, judicious basis.

(S) As previously noted, the President's Foreign Intelligence Advisory Board has this matter under study. While the AG's letter of 9/27/65 has removed some of the restrictions which are of greatest concern to the Foreign Intelligence Advisory Board, such as the restriction on microphones in security cases, it would be highly advantageous to the Bureau if we could have the Board carry through its concern to the President. The Board could advise the President of the extreme value of the intelligence produced by the Bureau in the past and the fact that, because of the atmosphere created by the Long Committee and the Gallagher Committee, and the concern of the AG, our coverage was drastically cut down; that the AG has now removed these restrictions in the national security field; however, it is imperative that the FBI be given backing in its intelligence-gathering efforts. (4) (S)

I think this is highly important, not only because we must have, and are entitled to, White House backing in this field, but because our efforts go beyond those matters taken up with the AG; for example, our Anagram program, which is the surreptitious entry into foreign establishments to secure codes, et cetera. We have held up on this program recently, and yet it is of inestimable value to the National Security Agency in its efforts to break into communications channels of foreign countries. This, in turn, provides the highest type of intelligence to our government. I do not think we should mention any such program as the Anagram program to the AG. (S)

RECOMMENDATIONS:

1. At this point I see no reason for the Director to personally discuss these matters further with the AG. The AG is on record in writing and further discussion may obscure the commitment he has made.

SECRET

Mr. Tolson

SECRET

memo 9/29

2. If the Director approves, I think we should advise Coyne of the President's Foreign Intelligence Advisory Board, of the essence of the AG's reply to our letter. Coyne and Dr. Baker were advised that we had written to the AG, but they were not furnished the details of our letter. As the AG has removed his restrictions, in the national security field, we should advise Coyne, and at the same time encourage him to follow through to stress the value of our coverage to the President.

Yes

✓

3. As to our use of special investigative techniques, based on the AG's letter of 9/27/65, we should approach such use with caution and restraint, bearing in mind that we are still faced with the antics of the Long Committee and the public atmosphere of opposition to invasion of privacy. Therefore, we will present for the Director's approval suggestions as to where we go from here in the use of these techniques. Essentially, we would keep a tight rein on the use of special investigative techniques, with each case resting on its own merits.

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(S)

R O.K.

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JH

ADDENDUM BY MR. TOLSON:

The AG has approved everything except microphones in the organized crime field.

This is my understanding. He has not approved microphones in the crime field.

memo 9/29

4 SECRET

(u)
(S)

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : J. H. Gale

SUBJECT: DEPARTMENT'S RULES REGARDING USE OF WIRETAP PEG AND OTHER ELECTRONIC SURVEILLANCE BY THE EXECUTIVE BRANCH

DATE: June 28, 1967

JUNE

Tolson	
DeLoach	
Mohr	
Wick	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP4/AM/ky

Cap. A. S. BAKER

ROUTE IN ENVELOPE

SYNOPSIS:

Technical Sanctions

A copy of the Attorney General's newly formulated rules, directed to heads of executive departments and agencies, for use of wiretapping and other electronic surveillance has been reviewed in coordination with the General Investigative, Domestic Intelligence and Laboratory Divisions.

Investigations directly related to the protection of national security are specifically exempted from these rules, with existing procedures continuing in force.

Rules prohibit all wiretapping except where consent of one party has been obtained, in which case, agency head's advance approval is required for such interception.

Use of microphones and other electronic surveillance devices involving trespass into a constitutionally protected area is prohibited and note made that there is support for view that any electronic eavesdropping in constitutionally protected area is violation of Fourth Amendment, even though no trespass has occurred. Even when no invasion of constitutionally protected area has occurred, rules observe that surreptitious electronic surveillance involving intrusion into privileged relationship (attorney-client, et cetera) may violate First, Fifth and Sixth Amendments. Use of such devices involving violation of the Constitution or a statute is prohibited.

Legal use of electronic surveillance devices, not involving wiretapping, is restricted to situations where consent of one party to monitored coverage has been obtained. In such cases, advance written approval of Attorney General must be obtained for use, unless in emergency matters, in which case Attorney General to be advised in writing within 24 hours with explanation why situation qualified as emergency.

Enc.

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Wick

- 1 - Mr. Casper
- 1 - Mr. Felt
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Tavel
- 1 - Mr. Gale
- 1 - Mr. McAndrews
- 1 - Mr. Emery

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

UNRECORDED COPY FILED IN

Memorandum to Mr. DeLoach
Re: Department's Rules Regarding Use
of Wiretapping and Other Electronic
Surveillance by the Executive Branch

Where such devices are used in accordance with rules, tapes and other records are to be preserved, specially classified, filed and safeguarded and made available to agency personnel only where "essential to Government operations." Record to be maintained of identity of each individual to whom such material is made available.

Rules provide for limitation on procurement of such devices, in addition to provisions for storage in limited number of locations and maintenance of inventories.

Agency head is to submit report to Attorney General each July 1 (beginning July 1, 1968) regarding all use of such devices, and brief summary of results obtained, during previous year, with inventory of equipment in possession of the agency.

ACTION: (1) Attached for approval is an airtel to Albany and all other offices, enclosing a copy of the above-discussed Departmental rules and including a restatement of Bureau policy that Bureau approval is still to be obtained before any use is made of any electronic surveillance equipment.

(2) A copy of the rules is attached for review by the Laboratory Division in order that the Laboratory can setup procedures regarding maintenance of equipment and inventory requirements in keeping with the provisions of the rules.

(3) A copy of the rules is attached for the Files and Communications Division for review and compliance with the provisions regarding preservation and filing tapes and other record material, special classification of such material, and maintenance of such records to limit access to authorized personnel only, in addition to recording identity of those to whom such material has been made available, as provided for in the rules.

(4) Following their reviews of the rules, the Laboratory and Files and Communications Division should issue any instructions to the field necessary as a result of the establishment of any procedure deemed necessary by those divisions.

OK ✓
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M
J
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B
DETAILS - OVER
D

Memorandum to Mr. DeLoach
Re: Department's Rules Regarding Use
of Wiretapping and Other Electronic
Surveillance by the Executive Branch

DETAILS:

We have received a copy of the Attorney General's newly formulated rules for the use of wiretapping and other electronic surveillance devices, which rules have been forwarded by memorandum to the heads of executive departments and agencies. The Attorney General notes that these rules are consistent with the Supreme Court's decision in *Berger V. New York*, in which the Court ruled New York's law allowing electronic eavesdropping under court order unconstitutional. Specific note is also made that investigations directly related to the protection of the national security are specifically exempted from these rules, with existing procedures continuing in force in that area.

The rules prohibit all wiretapping except where the consent of one party has been obtained. In such a case, each agency is to adopt procedures to provide for advance approval by the agency head for such an interception.

With regard to microphones and other electronic surveillance devices not involving a wiretap, the rules prohibit the use of such devices when accomplished by trespass into a constitutionally protected area, including situations involving installation by penetration into a common wall. Note is made that there is support for the view that any electronic eavesdropping in a constitutionally protected area is a violation of the Fourth Amendment, even though accomplished without physical trespass or entry.

The rules also stated that even where no invasion of a constitutionally protected area has occurred, surreptitious electronic surveillance involving intrusion into a privileged relationship (attorney-client, et cetera) may violate rights provided for by the First, Fifth and Sixth Amendments. This is followed up by a statement that the use of such devices by Federal personnel to overhear or record nontelephone conversations involving a violation of the Constitution or a statute is prohibited.

In noting that certain uses of electronic devices are legal, the rules cite *Lopez V. United States* and *Osborn V. United States*, where the use of recording devices was held

Memorandum to Mr. DeLoach
Re: Department's Rules Regarding Use
of Wiretapping and Other Electronic
Surveillance by the Executive Branch

to be legal if the consent of a party to the conversation had been obtained (body recorders and similar situations).

In order to limit the legal use of electronic surveillances, the rules provide that the advance written approval of the Attorney General for any use of electronic or mechanical devices to overhear nontelephone conversations without the consent of all parties must be obtained. Such requests for advance Attorney General approval must be submitted in writing by the head of the requesting agency and shall contain justification for the proposed use; type of equipment to be used; identity of person involved; proposed location; duration of proposed use, and manner and method of installation.

In emergency situations, the agency head may authorize the use of such devices to overhear or record nontelephone conversations without the consent of all parties provided that, within 24 hours, the above-mentioned written requirements are submitted to the Attorney General together with an explanation why the situation qualified as an emergency.

Where Attorney General approval has been granted, and such devices are used within the scope of these rules, the responsible agent or agents shall, where technically feasible, record the conversations by means of a permanent tape or record. Such tapes or records shall be preserved and a written report setting forth the actual use is to be submitted to the agency involved. Such reports, tapes, logs, transcripts, summary memoranda and similar material shall be specially classified, filed and safeguarded, and shall not be made available to agency personnel or others except where "essential to Government operations." A record is to be maintained concerning each person to whom such information or material has been made available.

Further provisions are made to insure that each agency head will be responsible for limiting the procurement of devices primarily designed to be used surreptitiously to overhear or record conversations to the minimum necessary for use consistent with these rules. In addition, such devices are to be stored in a limited number of locations to insure effective administrative control.

Memorandum to Mr. DeLoach

Re: Department's Rules Regarding Use
of Wiretapping and Other Electronic
Surveillance by the Executive Branch

An inventory is to be maintained of all such equipment where stored, including record of dates used, to whom assigned, and when returned. Such records are to be maintained for six years.

The rules then require that each agency head shall submit to the Attorney General on July 1 of each year a report of all uses of such equipment during the previous year in accordance with provisions enumerated in these rules, together with a brief description of the results obtained and a complete inventory of such devices in possession of the agency.

Mr. Nathaniel E. Kossack, Criminal Division, has advised that the first July 1 report will be required on July 1, 1968, and no response is expected regarding this past year.

The rules are concluded by specific exemption of investigations directly related to the protection of the national security from the provisions set forth, which matters are to continue under existing restrictions now in force.

Included in these rules is general proviso that any question about the propriety or legality of the proposed use of electronic surveillance devices should be referred to the Department. Therefore, if such a question arises in the future in connection with FBI investigations, each should be handled individually in the case in which it arises.

Inasmuch as these rules embody the Department's current policy on all wiretapping and electronic surveillance, it is believed that each office should be furnished a copy of these rules together with a restatement of Bureau policy that in all cases the Bureau's approval is to be obtained before any use is made of any electronic surveillance equipment, regardless of whether such use has been declared legal by the courts.

This matter was coordinated with the General Investigative, Domestic Intelligence and Laboratory Divisions.

JEM - 5 - 

- 1 - Mr. DeLoach
- 1 - Mr. Mohr
- 1 - Mr. Wick
- 1 - Mr. Casper
- 1 - Mr. Callahan
- 1 - Mr. Conrad
- 1 - Mr. Felt
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Tavel
- 1 - Mr. Gale
- 1 - Mr. McAndrews
- 1 - Mr. Emery

6/29/67

Airtel

To: SAC, Albany - Enc. 2

JUNE

From: Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

WIRETAPPING AND ELECTRONIC SURVEILLANCES

DATE 10/19/02 BY SP7ALM/edj

NATIONAL SECURITY INFORMATION
 Unauthorized Disclosure
 Subject to Criminal Sanctions

Enclosed for each office is a copy of the Attorney General's memorandum to heads of executive departments and agencies dated 6/16/67 and his letter of 6/22/67, which set forth the Department's rules regarding all wiretapping and use of other electronic surveillance techniques by the Executive Branch. While these rules make no substantial change in our operations, which have always been subject to stringent restrictions, they should be carefully reviewed to insure that our investigative operations are in strict compliance with these regulations.

You are reminded that Bureau policy requires that Bureau approval is to be obtained before any use is made of any type of electronic surveillance equipment, regardless of whether such use has been declared legal by the courts. This policy continues in force and there are to be absolutely no departures from this requirement of advance Bureau approval.

You will be advised separately regarding procedures to be followed in connection with the maintenance of such equipment and the record-keeping procedures to be followed in complying with these rules.

2 - All Other Offices - Enc. 2

JUN 30 1967

ST-104

6 JUL 5 1967

NOTE: See memorandum J. H. Gale to Mr. DeLoach, 6/28/67, captioned "Department's Rules Regarding Use of Wiretapping and Other Electronic Surveillance by the Executive Branch," TJE:tjm.

TJE:tjm
(15)

ROUTE IN ENVELOPE

MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

ROUTE IN ENVELOPE

Tolson	_____
DeLoach	_____
Mohr	_____
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Conrad *JWC*

DATE: July 20, 1967

FROM : A. J. Baker *AJB*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP-4/AM/efj

J U N E

SUBJECT: DEPARTMENT'S RULES REGARDING USE
OF WIRETAPPING AND OTHER ELECTRONIC
SURVEILLANCE BY THE EXECUTIVE BRANCH

SYNOPSIS:

TECHNICAL SURVEILLANCE

Memorandum J. H. Gale to Mr. DeLoach, 6/28/67, summarized Department's rules for use of technical equipment and recommended that Laboratory and Files and Communications Division set up any procedures necessary for compliance with the Department's instructions concerning the preservation of logs, tapes, etc., and the maintenance of inventory records. Mr. Tavel's memorandum to Mr. Mohr, 7/17/67, advised the Attorney General of our present record-keeping procedures and our interpretation of his instructions. The procedures recommended herein concerning inventory records are in keeping with the procedures and interpretation set forth in Mr. Tavel's memorandum. Section III of Departmental memorandum exempts equipment used in national security matters. There is currently in the field only that technical equipment authorized for use in national security matters. This equipment is afforded strict control in accordance with long-standing Bureau policies and no new procedures need be established to comply with Department's instructions.

Technical equipment maintained at SOG is suitable for use in either security or nonsecurity matters; however, Departmental rules all but eliminate any nonsecurity use of this equipment. Accordingly, no reason to include any equipment in category requiring yearly reporting to the Attorney General until such equipment is actually used in a nonsecurity matter. At such time as technical equipment is authorized for nonsecurity use,

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Callahan
- 1 - Mr. Gale
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Tavel
- 1 - Mr. Conrad
- 1 - Mr. Baker
- 1 - Mr. Miller

EX 105

REC-48 66-8160-2932

6 AUG 15 1967

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions

CONTINUED - OVER

RAM:ei

Memorandum to Mr. Conrad

Re: DEPARTMENT'S RULES REGARDING USE OF WIRETAPPING AND OTHER ELECTRONIC SURVEILLANCE BY THE EXECUTIVE BRANCH

division handling authorization should advise Laboratory and Administrative Divisions. Necessary equipment will be provided from SOG stock and Laboratory will advise field and Administrative Division of the appropriate identification data for inventory purposes. Equipment will be returned to SOG at termination of authorized use. The Administrative Division should set up a separate subsection in the inventory file, in which to maintain for a period of six years, the inventory cards containing the record of movement and use of technical equipment used in non-security investigations.

RECOMMENDATIONS:

1. That no change be made in current procedures utilized to control the use of technical equipment in national security matters.

2. That the following procedures be established to insure compliance with Department's rules in use of technical equipment in nonsecurity matters:

a. That the division handling any technical equipment authorization advise the Laboratory and Administrative Divisions of any such authorization.

b. That the necessary equipment be supplied from SOG and that Laboratory provide the field and the Administrative Division with the appropriate equipment identification data.

c. That the Administrative Division set up a special subsection in the inventory records in which to maintain for six years the inventory cards containing the record of movement for technical equipment used in nonsecurity cases.

6/6/74
no need
for
continuation
of these procedures
to be handled
by other means
now being maintained
6/5/74

no need
for continuation
of these procedures
can be handled
by other means
now being maintained
6/5/74

ma

June 10

Handwritten initials and signatures

Memorandum to Mr. Conrad

Re: DEPARTMENT'S RULES REGARDING USE OF WIRETAPPING AND OTHER
ELECTRONIC SURVEILLANCE BY THE EXECUTIVE BRANCH

DETAILS:

Memorandum J. H. Gale to Mr. DeLoach, dated June 28, 1967, summarized the Attorney General's newly formulated rules for the use of wiretapping and other electronic surveillance devices. The memorandum recommended that Laboratory and Files and Communications Divisions set up any procedures necessary for compliance with the Department's instructions concerning the preservation of logs, tapes, etc., and the maintenance of inventory records. Mr. Tavel's memorandum to Mr. Mohr, 7/17/67, advised the Attorney General of our present record-keeping procedures and our interpretation of his instructions. The procedures recommended herein concerning inventory records are in keeping with the procedures and interpretation set forth in Mr. Tavel's memorandum.

Basically, the Attorney General's instructions require that records be maintained in the field and at headquarters for a period of six years identifying each item of technical equipment on hand, place where stored, dates assigned for use, identity of all persons using same, manner in which used, maintenance of tape recordings or other permanent record of results obtained through its use, and yearly reporting of this information to the Attorney General.

In the Attorney General's memorandum, under Section III, National Security, the statement is made, "The foregoing rules have been formulated with respect to all agency investigations other than investigations directly related to the protection of the national security." This instruction exempts equipment used solely in national security investigations from the special inventory and record requirements enumerated in the Attorney General's memorandum.

There is currently in the field only that technical equipment which has been authorized for use in connection with national security investigations. This equipment is afforded strict control in accordance with long-standing Bureau policies. Current administrative and inventory policies in respect to the use and control of this equipment are adequate and no new procedures need be established to comply with the instructions or the intent of the Attorney General's memorandum.

Memorandum to Mr. Conrad

Re: DEPARTMENT'S RULES REGARDING USE OF WIRETAPPING AND OTHER
ELECTRONIC SURVEILLANCE BY THE EXECUTIVE BRANCH

The technical equipment maintained at the SOG for dispatch to the field as needed is available and suitable for use in either national security investigations or in other investigative matters not related to maintenance of the national security. However, limitations placed on the use of technical equipment by the Attorney General all but eliminate any use of this equipment except in national security matters. Accordingly, there appears no reason to regard any of our technical equipment as falling within the category requiring detailed record of use and yearly reporting to the Attorney General unless and until such equipment is actually used in a nonsecurity-type investigation. At such time that any item of technical equipment is so used, it will become subject to the special inventory requirements specified by the Attorney General and appropriate records of the equipment use will be maintained.

The following procedure is proposed for control of technical equipment authorized for use in investigative matters not directly related to protection of the national security:

The division handling the authorization should advise the Laboratory and Administrative Divisions whenever use of any technical equipment is authorized. Necessary items of equipment will then be supplied to the field from SOG stock. At that time, the Laboratory will provide the Property Management Unit of the Administrative Division and the field office receiving the equipment with equipment identification data and advise that the equipment is subject to special inventory control in accordance with the Attorney General's instructions. All equipment will be returned to SOG by the field upon termination of use for which authorized. The returned equipment will be retained at SOG for use in other nonsecurity investigative matters, or as conditions warrant, will be restored to stock for use in matters relating to protection of the national security.

noticed
to control
period
of six
years
nonsecurity
investigations
A subsection of the inventory cards should be set up in the Property Management Unit, in which to maintain for a period of six years the inventory cards containing the record of movement and use of the technical equipment utilized in nonsecurity investigations.

with
General's
instructions
The above procedure will provide strict control over equipment and will insure that appropriate records of movement, storage, and use are maintained in accordance with the Attorney General's instructions.

Memorandum

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/67 BY SP4/MLJ

TO : Acting Director
Federal Bureau of Investigation

DATE:

FROM : Henry E. Petersen
Assistant Attorney General
Criminal Division

SUBJECT: Consensual Monitoring of Telephone and Non-telephone
Conversations

October 13 1972

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Callahan	✓
Mr. Cleveland	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Jenkins	✓
Mr. Marshall	✓
Mr. Miller	✓
Mr. Ponder	✓
Mr. Soyars	✓
Mr. Tavel	✓
Tele. Rm.	✓
Mr. Kinlev	✓
Mr. Armstrong	✓
Ms. Herwig	✓
Mrs. Neenan	✓

Handwritten: 10/19/72
9:43

This is in reply to your memorandum to the Attorney General concerning the above matter dated August 18, 1972.

By memorandum dated October 16, 1972, presently being processed for delivery, a copy of which is attached, the Attorney General's Memorandum to the Heads of Executive Departments and Agencies dated June 16, 1967, was superseded by new guidelines. You will note that under exigent circumstances, similar to those set out in your memorandum, emergency monitoring under your authorization or that of bureau officials designated by you will be sanctioned.

With regard to consensual monitoring of telephone conversations, responsibility for the establishment of guidelines for the control of such monitoring by its agents will remain in each department and agency.

Handwritten: Technical surveillance - Done

Handwritten: Pull copy of 10/16/72 memo for my reading & study. [Signature]

10/13/1972

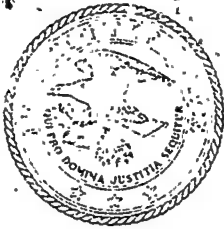
2 ENCLOSURE
Attachment

REC-14
5/11/72

66-160 3448

DEC 5 1972

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.



Office of the Attorney General
Washington, D. C.

OCT 16 1972

MEMORANDUM TO THE HEADS OF EXECUTIVE
DEPARTMENTS AND AGENCIES

Re: Monitoring Private Conversations with
the Consent of a Party

This memorandum concerns the investigative use of electronic and mechanical devices secretly to overhear, transmit, or record private conversations when one or more of the parties to the conversation is a Federal agent or is cooperating with a Federal agent and has consented to the overhearing, transmitting, or recording of the conversation. This memorandum does not restrict any form of monitoring when all parties to the conversation consent, nor does it affect existing instructions on the related matter of electronic surveillance without the consent of any party to a conversation. (See Manual for Conduct of Electronic Surveillance under Title III of Public Law 90-351; and Outline of Duties and Responsibilities of Attorneys and Agency Personnel Involved in the Conduct of Title III Court Authorized Interceptions, distributed Nov. 3, 1970).

ALL FBI INFORMATION CONTAINED
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DATE 10/19/00 BY SP4/AM/clj

65-24600-3448
ENCLOSURE

I. The Law On Monitoring Private Conversations
with the Consent of a Party

The Supreme Court of the United States has for some time distinguished between electronic surveillance of a conversation without the consent of any of the participants, which in most circumstances is constitutionally impermissible without court order, and the monitoring of a conversation with the consent of one but not all of the participants. See On Lee v. United States, 343 U.S. 747 (1952) (informant carrying concealed transmitter); Lopez v. United States, 373 U.S. 427 (1963) (agent carrying concealed recorder); Rathbun v. United States, 355 U.S. 107 (1957) (police officer listening on extension telephone). While the decisions in the cases involving consensual monitoring have been predicated on various grounds, it is apparent that the central difference between consensual monitoring and non-consensual electronic surveillance is that in the consensual situations there exists one party to the conversation who is working with the government and who will relate to the government the substance of the conversation, and that in such situations the monitoring serves simply to provide instantaneous communication and to assure effective corroboration. The government in such situations gains access to no information it would not otherwise have obtained; it simply obtains it faster and in a more probative

form. This essential difference was recently emphasized by the Supreme Court United States v. White, 401 U.S.C 745 (1971) decided April 5, 1971, in which the Court held that a Federal agent could properly testify to statements he had overheard a defendant make to a government informer by means of a secret transmitting device which the informer had concealed on his person at the time. Announcing the judgment of the Court, Mr. Justice White stated:

Concededly a police agent who conceals his police connections may write down for official use his conversations with a defendant and testify concerning them, without a warrant authorizing his encounters with the defendant and without otherwise violating the latter's Fourth Amendment rights.
* * * For constitutional purposes, no different result is required if the agent instead of immediately reporting and transcribing his conversations with defendant, either (1) simultaneously records them with electronic equipment which he is carrying on his person,
* * * (2) or carries radio equipment which simultaneously transmits the conversations either to recording equipment located elsewhere or to other agents monitoring the transmitting frequency. * * * If the conduct and revelations of an agent operating without electronic equipment do not invade the defendant's constitutionally justifiable expectations of privacy, neither does a simultaneous recording of the same conversations made by the agent or by others from transmissions received from the agent to whom the defendant is talking and whose trustworthiness the defendant necessarily risks.

* * * [T]he law permits the frustration of actual expectations of privacy by permitting authorities to use testimony of those associates who for one reason or another have determined to turn to the police, as well as by authorizing the use of informants * * *. If the law gives no protection to the wrongdoer whose trusted accomplice is or becomes a police agent, neither should it protect him when that same agent has recorded or transmitted the conversations which are later offered in evidence to prove the State's case. [Citations omitted]

The Court in White, after noting that there was no constitutional prohibition against the monitoring of conversations with the consent of one party, called attention to Title III of the Omnibus Crime Control and Safe Streets Act of 1968. That statute, in the subsection enacted as 2511(2) of Title 18 of the United States Code, excepted consensual monitoring from its coverage as follows:

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire [i.e., telephone] or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception

unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purposes of committing any other injurious act.

II. Administrative Regulations Concerning Consensual Monitoring Conversations.

The monitoring of conversations with the consent of one of the participants is a particularly effective and reliable investigative technique, and its use by Federal agents in investigating criminal cases is encouraged where appropriate and is expected where necessary. Nevertheless, although it is clear that such monitoring is constitutionally and statutorily permissible -- and therefore that it may be conducted without judicial warrant -- it is appropriate that this investigative technique continue to be the subject of careful self-regulation by the Executive Branch of the Federal Government. Accordingly, the following restrictions will apply in all criminal investigations employing the consensual monitoring of conversations.

(a) Conversations other than telephone conversations.

All Federal departments and agencies shall, except in exigent circumstances as discussed below, obtain the advance authorization of the Attorney General or any designated Assistant Attorney General before using any mechanical or

electronic device to overhear, transmit, or record private conversations other than telephone conversations without the consent of all the participants. Such authorization is required before employing any such device, whether it is carried by the cooperating participant or whether it is installed on premises under the control of the participant.

Requests for authorization to monitor private conversations shall be addressed to the Attorney General, in writing, by the head of the department or agency responsible for the investigation, or his delegate, and shall state:

1. The reason why monitoring appears desirable, the means by which it would be conducted, the place in which it would be conducted, and its expected duration.
2. The names of the persons whose conversations would be monitored and their roles in the matter under investigation. When the name of the non-consenting party or parties is not known at the time the request for authorization is made, the department or agency making the request shall supply such information to the Attorney General within 30 days after the termination of the monitoring.

3. That it is the considered judgment of the person making the request that monitoring is warranted in the interest of effective law enforcement.

Requests for authorization will receive prompt consideration by the Attorney General or his designee. To assure adequate time for considering a request and for notifying the requesting department or agency of the appropriate decision, it is important that each request be received by the Office of the Attorney General no less than 48 hours prior to the time of the intended monitoring. It should be clearly understood that the use of consensual devices will not be authorized retrospectively.

Where a request cannot be made in compliance with the 48-hour requirement, or in exigent circumstances precluding request for authorization in advance of the monitoring -- such as the imminent loss of essential evidence or a threat to the immediate safety of an agent or informant -- emergency monitoring may be instituted under the authorization of the head of the responsible department or agency or other agency official or officials designated by him. The Attorney General or his designee shall be notified promptly of any such monitoring

and of the specific conditions that precluded obtaining advance approval, and shall be afforded the information enumerated above that would have been given in requesting advance approval. Each department and agency should develop procedures to assure that under such exigent circumstances its agents will be capable of acting expeditiously. The Attorney General or his designee shall be kept advised as to the identity of those officials who have been designated by department or agency heads to authorize such emergency monitoring.

(b) Telephone conversations.

Telephone conversations -- because they involve the transmission of the participants' conversations through a complex and far-flung network of wires, the common use of multi-party lines and extension telephones, and the possibility of an unseen participant permitting another person to listen at the same telephone -- have long been considered not to justify the same assumption of privacy as a face-to-face conversation. Nevertheless, there is still a need to provide for the supervision and control of consensual monitoring of telephone conversations. Accordingly, the current practice of charging each department and agency with the control of such consensual monitoring by its agents will continue. Each department and agency head shall assure the adoption or the

continuation of agency rules on this subject. Such rules shall also provide for the expeditious, oral authorization of such monitoring where necessitated by exigent circumstances.

III. Security of monitoring devices.

It shall be the responsibility of the head of each investigating agency to procure and maintain only the minimum number of devices designed for the consensual monitoring of conversations that the agency reasonably needs, consistent with current policy, to overhear, transmit, or record private conversations for investigative purposes. The equipment shall be stored, as feasible, in one central location or in a limited number of locations so as to facilitate administrative control.

An inventory shall be maintained on a current basis at each location at which monitoring equipment is stored. All equipment must be accounted for at all times. When equipment is withdrawn from storage a record shall be made as to the times of withdrawal and of its return to storage. By written report, the agent to whom the equipment is assigned shall account fully for the time he possessed the monitoring equipment and the uses he made of it. Equipment should be returned to storage when not in actual use except to the extent that returning the equipment would interfere with its proper utilization.

Each agency shall maintain copies of the complete inventories of equipment showing the times of withdrawals and returns, and copies of the written reports of the responsible agents specifying the uses made of the equipment. Such records should be retained for at least six years.

IV. Annual Reports.

The head of each investigative agency, or his delegate, shall submit to the Attorney General during July of each year a report containing (1) an inventory of all the agency's electronic and mechanical equipment designed for the monitoring of conversations, and (2) a brief statement of the results obtained during the prior fiscal year by the use of such investigative monitoring.

This Memorandum supersedes the Memorandum to the Heads of Executive Departments and Agencies, dated June 16, 1967, captioned "Wiretapping and Electronic Eavesdropping."

Attorney General

~~DO~~ OFFICE OF ACTING DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

- MR. FELT
- MR. MOHR _____
- MR. ROSEN _____
- MR. BATES _____
- MR. BISHOP _____
- MR. CALLAHAN _____
- MR. CAMPBELL _____
- MR. CASPER _____
- ~~MR. CLEVELAND _____~~
- MR. CONRAD _____
- MR. DALBEY _____
- MR. MILLER, E.S. _____
- MR. PONDER _____
- MR. SOYARS _____
- MR. WAIKART _____
- MR. WALTERS _____
- TELE. ROOM _____
- MRS. NEENAN _____

*OHC TO
HANOVER*

*What steps have we taken
to comply with the Action
Items of this Memorandum?*

~~MEMO Dalbey
To FELT
10/20/72
DJP...~~

*File
10/20
10:50 AM*

ALL INFORMATION CONTAINED
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DATE 12/19/00 BY SP1AM/ely

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66-8160-3448

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. L. Patrick Gray, III
Acting Director

DATE: 11/8/72

FROM : ^{DMA} Daniel M. Armstrong, III

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2AM/ky

SUBJECT: CONSENSUAL MONITORING OF TELEPHONE AND
NON-TELEPHONE CONVERSATIONS

- Felt
- Baker
- Bishop
- Callahan
- Cleveland
- Conrad
- Dalbey
- Gebhardt
- Jenkins
- Marshall
- Miller, E.S.
- Purvis
- Soyars
- Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Ms. Herwig
- Mrs. Neenan

Of technical surveillance - New

Re memo from W. V. Cleveland to Mr. Felt, 11/7/72, on this subject.

With respect to consensual monitoring of telephone conversations, the referenced memorandum indicates that the Attorney General is prepared to give the investigating agency authority to set up its own controls. Such authority is what the FBI asked for in its letter to the Attorney General dated August 18, 1972, which letter is cited in the referenced memorandum. However, referenced memorandum suggests that for the time being the approval of the Acting Director or Acting Associate Director should be obtained prior to consensual monitoring of telephone conversations.

Since this issue was apparently resolved prior to August 18, 1972, in favor of giving SAC's or persons acting in their behalf the authority to authorize consensual monitoring where telephone conversations were involved and since I am not aware of any subsequent developments which warrant a reconsideration of the FBI's proposal in this regard, I recommend that the authority to authorize consensual monitoring of telephone conversations be delegated to the Field as recommended to the Attorney General back in August.

REC-14 66-8160-3450

I have previously indicated my reasons for favoring such a delegation, which advocacy is based primarily on the belief that the requirement of obtaining clearance from Headquarters can as a practical matter cause Agents in the Field to have to forego consensual monitoring in circumstances where such monitoring would be a valuable investigative technique.

3 DEC 6 1972

The delegation should be defined as intending to embrace non-sensitive cases and the SAC's should be told that good judgment will continue to dictate consultation with Headquarters in matters involving cases of extreme sensitivity. (Do NOT DEFINE THEM - SAC IS ON SCENE - HE IS IN BEST POSITION TO DECIDE IF HE MUST CONSULT WITH HQ.)

DMA:nm (2)

1 - Mr. Armstrong

*Added to the file
11-14-72*

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Memorandum for Mr. Gray
Re: Consensual Monitoring of Telephone and
Non-Telephone Conversations

*YES
MANDATORY*

~~prominent figures, politicians, Government officials, news media
personnel, etc.~~ In all cases the appropriate United States Attorney
would be consulted in advance of the monitoring. These restrictions
were written into the airtel of 6/14/72 which was proposed to go to the
Field back in June when this issue of delegation was first raised. The
airtel, of course, was not sent in the form proposed because it was
decided that the matter of consensual monitoring would first have to be
taken up with the Attorney General.

SPK

Mr. Cleveland is to

Prepare Airtel for

my signature

Jan 11-13

10:15A

Airtel

EX-117

3450

11-16-72

To: SAC, Albany

REC-17

66-8160 -

1 - Mr. Bishop

1 - Mr. Miller

1 - Mr. Callahan

1 - Mr. Soyars

From: Acting Director, FBI

1 - Mr. Conrad

1 - Mr. Walters

1 - Mr. Dalbey

1 - Mr. Cleveland

ST
C
CONSENSUAL MONITORING OF
TELEPHONE CONVERSATIONS

1 - Mr. Gebhardt

1 - Mr. Keith

1 - Mr. Jenkins

1 - Mr. Marshall

At the present time FBI Headquarters authority is necessary for the consensual monitoring of telephone conversations. Effective immediately Special Agents in Charge may authorize monitoring of telephone conversations in nonsensitive cases. Special Agents in Charge may give this authority under the following conditions:

- (a) One of the parties to the conversation has given written consent to FBI Agents to monitor the conversation.
- (b) Prior consultation is had with the appropriate United States Attorney and he concurs in the monitoring and/or recording of the conversation. This concurrence should either be obtained in writing or confirmed in writing.
- (c) The fact that a consensual monitoring has occurred should be set forth in the next report submitted to FBI Headquarters or in the absence of a report by letter within 30 days of the monitoring.
- (d) A control file should be established in each field office and appropriate documents relative to the authorization and utilization of this procedure should be retained. This control file will be for the purpose of the Special Agents in Charge administrative control and for review during inspections.

All Offices

MAILED 5
NOV 20 1972

NOTE: See memoranda W.V. Cleveland to Mr. Felt 11-7-72, and Daniel M. Armstrong, III, to Acting Director Gray 11-8-72, re "Consensual Monitoring of Telephone and Non-Telephone Conversations."

WVC:mkr (15)

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DATE 10/19/02 BY SP2A/AM/ely

- Felt
- Bishop
- Callahan
- Conrad
- Dalbey
- Gebhardt
- Jenkins
- Miller, E.S.
- Purvis
- Soyars
- Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Ms. Herwig
- Mrs. Neenan

NOV 20 1972

Handwritten signature and date 11-16-72 8:18P

Handwritten initials and signature

Airtel to SAC, Albany

RE: CONSENSUAL MONITORING OF
TELEPHONE CONVERSATIONS

In cases of extreme sensitivity, Special Agents in Charge should continue to obtain FBI Headquarters authority for consensual monitoring of telephone conversations.

Appropriate manual changes being prepared.

UNITED STATES GOVERNMENT

Memorandum

- Felt _____
- Baker _____
- Bishop _____
- Callahan _____
- Cleveland _____
- Conrad _____
- Dalbey _____
- Gebhardt _____
- Jenkins _____
- Marshall _____
- Miller, E.S. _____
- Purvis _____
- Soyars _____
- Walters _____
- Tele. Room _____
- Mr. Kinley _____
- Mr. Armstrong _____
- Ms. Herwig _____
- Mrs. Neenan _____

TO : Mr. Felt

DATE: 11-7-72

FROM : W. V. Cleveland *WVC*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP12/AM/kyj
MDR-16

SUBJECT: SENSUAL MONITORING OF TELEPHONE AND
NON-TELEPHONE CONVERSATIONS

Technical Surveillance

By letter to the Attorney General dated August 18, 1972, it was pointed out that the FBI is fully aware of the need for administrative restraint in the use of consensual monitoring of telephone and non-telephone conversations. It was suggested that such restrictions could be continued by delegating responsibility to approve consensual monitoring of non-telephone communications in FBI cases personally to the Director of the FBI, the Acting Director of the FBI or other official of the FBI acting in the absence of the Director. It was further requested that the Attorney General authorize the Director to delegate to the Special Agents in Charge or those acting in behalf of the Special Agents in Charge the authority to authorize consensual monitoring of telephone conversations,

By letter dated October 18, 1972, Assistant Attorney General Henry E. Petersen acknowledged our letter of August 18, 1972, and furnished a copy of new instructions to heads of executive departments and agencies, superseding instructions that had previously been issued June 16, 1967. Briefly, these new instructions provide that in the case of conversations other than by telephone the authorization for the monitoring must be obtained from the Attorney General or an Assistant Attorney General on at least 48 hours advance notice and on a statement of why, where, and when the monitoring will be done and on what persons. In emergency situations agencies were given the authority to designate someone to give this authorization, to be followed by prompt notification to the Attorney General.

The new instructions also called for the maintenance of an inventory of all equipment used in such monitoring and also called for an annual report containing an inventory of all the agencies' electronic and mechanical equipment designed for the monitoring of conversations.

- 1 - Mr. Bates
- 1 - Mr. Bishop
- 1 - Mr. Callahan
- 1 - Mr. Conrad
- 1 - Mr. Dalbey
- 1 - Mr. Jenkins
- 1 - Mr. Marshall
- 1 - Mr. Miller
- 1 - Mr. Soyars
- 1 - Mr. Cleveland
- 1 - Mr. Keith

66-8160-3449
11
3 DEC 8 1972

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Memorandum to Mr. Felt
RE: CONSENSUAL MONITORING OF TELEPHONE AND
NON-TELEPHONE CONVERSATIONS

Inspector Number One Man A. A. Staffeld and the writer talked to Assistant Attorney General Petersen and Harold Shapiro, one of his deputies, on the afternoon of November 6, 1972. It was pointed out that the FBI had previously been exempted from submitting such a yearly report and the maintenance of such an inventory, and a letter had been forwarded to the Attorney General July 2, 1969, in this regard. Both Petersen and Shapiro stated that the latest instructions were not meant to change the exemption previously given the FBI in 1969, because to require such reports from the FBI would be duplicative and overlapping. They advised that they would furnish the FBI a current letter reiterating that the FBI is exempted.

It was also pointed out to Petersen and Shapiro that the new instructions called for notification in writing to the Attorney General 48 hours prior to the utilization of consensual monitoring of non-telephone conversations. Again they pointed out they had included these instructions as a guideline for agencies, other than the FBI, who had a habit of mailing letters to the Attorney General that would arrive at the Department too late for authorization by the Attorney General. They stated that this has never been the problem with the FBI as we are located in the same building, and that they will give us approval on these just as they have in the past provided the Attorney General or his designee is available. They were advised that in emergency situations where there was not sufficient time to obtain this authority that the authority of the Acting Director or the Acting Associate Director would be obtained and the Attorney General thereafter advised.

With regard to consensual monitoring of telephone conversations, the Attorney General states the investigating agency may set up its own controls. It is suggested that for the time being we continue to require the authority of the Acting Director or Acting Associate Director.

ACTION:

(1) No change will be made in the Bureau's current practice with regard to inventory or submission of annual reports, and a letter will be obtained from the Department renewing the FBI's exemption in this regard.

(2) We will continue to obtain authority from the Attorney General in connection with consensual monitoring of non-telephone conversations just as we have before, so long as the Attorney General is available. In emergency situations the authority of the Acting Director or the Acting Associate Director will be obtained and the Attorney General will thereafter be advised promptly.

*See copy comments on
Inventory Memo of 11-8-72.*

Handwritten signatures and initials: JWC, 11/25, and others.